

seizure and condemnation of 6 dozen bottles of Moreau's Wine of Anise, consigned on February 28, 1919, and January 31, 1919, by the Lafayette Co., Berlin, N. H., remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped and transported from the State of New Hampshire into the Commonwealth of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Wrapper, in English) "Moreau's Wine of Anise Compound For Children. Contains 8 per cent Alcohol  $\frac{1}{4}$  Grain Acetate Morphine per ounce. This mild, medicated, sweetened Wine is given to children in cases of Colic, Diarrhœa, Dysentery, Indigestion, Sour Stomach, Vomiting, Cold, Coughs, Painful Dentition, Irritable, Fretful and Sleepless children;" (wrapper, in French) "Moreau's Wine of Anise Compound For Children. \* \* \* This Wine of Anise Compound aids in calming and procuring sleep in children who suffer from Colic, Diarrhœa, Dysentery, Indigestion, Sour Stomach, Vomiting, Coughs, Cold, Painful Dentition, Loss of Sleep, Nervousness and Irritability;" (bottle) same statements as on wrapper in English and French, with following additional in both languages, "To weak children \* \* \* For babies cutting teeth."

Analysis of a sample of the article made in the Bureau of Chemistry of this department showed that it contained 0.30 grain of morphine acetate per fluid ounce and 7.32 per cent by volume of alcohol, oil of anise, and water.

Misbranding of the article was alleged in the libel of information for the reason that the article purported to contain  $\frac{1}{4}$  grain acetate morphine per ounce, which said statement was false and misleading, and for the further reason that the package failed to bear a statement on the label of the quantity or proportion of acetate morphine contained therein. Misbranding of the article was alleged for the further reason that the statements borne on the wrapper and bottle label, as above set forth, were false and fraudulent in that the article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On July 15, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**7487. Adulteration and misbranding of olive oil (so called). U. S. \* \* \***  
**v. 36  $\frac{1}{2}$ -Gallon Cans of Olive Oil (So Called). Consent decree of**  
**condemnation and forfeiture. Product ordered released on bond.**  
(F. & D. No. 10777. I. S. No. 14212-r. S. No. E-1593.)

On July 1, 1919, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 36  $\frac{1}{2}$ -gallon cans of olive oil (so called), remaining unsold in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped on or about April 11, 1919, by the Southern Importing Co., New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Finest Quality Table Oil."

Adulteration of the article was alleged in substance in the libel for the reason that another oil, to wit, cottonseed oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for the article purporting to be olive oil.

Misbranding of the article was alleged in substance for the reason that the labels on the cans bore statements regarding the article which were false and misleading, that is to say, the label bore the following words, "Finest Quality Table Oil," and the device (representation of an olive tree and natives picking olives), and the words "cottonseed salad oil flavored slightly with Olive Oil," in inconspicuous type, which last words quoted did not correct the false and misleading impression, and which statements, words, and devices were intended to be of such a character as to induce the purchaser to believe that the article was olive oil, when, in truth and in fact, it was not; for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture packed in the United States; for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil; for the further reason that the labels on the cans bore the words, to wit, "One Half Gallon Net," whereas there was an average shortage in each purported half gallon of 9.20 per cent; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On November 3, 1919, Giuseppe Battaglia, New York, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

**7488. Misbranding of olive oil (so called). U. S. \* \* \* v. 11 Gallon Cans and 43 ¼-Gallon Cans of Olive Oil (So Called). Consent decree of condemnation and forfeiture. Product ordered released on bond.**  
(F. & D. No. 10778. I. S. Nos. 14208-r, 14209-r. S. No. E-1598.)

On July 1, 1919, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 11 gallon cans and 43 ¼-gallon cans of olive oil (so-called), remaining unsold in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped on or about May 28, 1919, by the Southern Importing Co., New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The gallon cans were labeled in part, "Finest Quality Table Oil Tipo Termini Imerese," and the ¼-gallons were labeled in part, "Finest Quality Table Oil."

Adulteration was alleged in the libel for the reason that there had been mixed and packed with the article another oil, to wit, cottonseed oil, so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that cottonseed oil had been substituted wholly or in part for the article purporting to be olive oil.

Misbranding of the article was alleged for the reason that the labels on the cans bore statements regarding the article which were false and misleading, that is to say, the labels on the gallon cans bore certain statements and devices regarding the article which were false and misleading, that is to say, the labels bore the following words, "Finest Quality Table Oil Tipo Termini Imerese cottonseed oil slightly flavored with Olive Oil Cicilia Atalia Guaranteed Absolutely Pure (representation of an olive tree and natives picking olives)," and the labels of the ¼-gallon cans bore the following words, to wit, "Finest Quality Table Oil \* \* \* cottonseed salad oil flavored slightly